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LUTHER AND THE BIGAMOUS MARRIAGE OF PHILIP OF HESSE

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The second marriage of Philip of Hesse has been a godsend to the enemies of Luther. They have exploited it with inexhaustible avidity. Bossuet went into it with thoroughness,¹ Janssen makes it one of his best points,² Denifle recurs to it again to show Luther in the worst possible light,³ and in numerous Roman Catholic books and periodicals, scientific and popular, it has been treated a thousand times, often in the interest of convert making. Outside of all this, the bigamous marriage of Philip, Landgrave of Hesse, is notorious in the history of the sixteenth century, and it is worth while to look at it. It is also a noteworthy fact that it has been left to an American licentiate of theology, William Walker Rockwell, late of Andover, now one of the church history professors in Union Theological Seminary, New York, to make the first thorough investigation of this incident, which he has done in a book of exhaustive research, a book which for an American working in foreign tongues and among sixteenth-century manuscripts is a miracle of learning.⁴

When he was a young fellow of about twenty, Philip of Hesse was married to Christina, the daughter of Duke George of Saxony, a marriage as to which he had—as is customary with princes—little choice. As he found no pleasure in her society, this hot-blooded lord used the immemorial privilege of Catholic princes—a custom which unfortunately went over into Protestant lands and has been

¹ *Hist. of the Variations of the Protestant Churches*, Eng. tr., New York, 1836, I, 177 ff. (Book VI).

² *Gesch. d. deutschen Volkes*, u.s.w., 17. u. 18. Aufl., III, 450 ff.

³ *Luther u. Luthertum in der ersten Entwicklung*, 2. Aufl., Mainz, 1904, I, 116 ff.

⁴ *Die Doppelehe des Landgrafen Philipp von Hessen*, Marburg, 1904. I cite this as Rockwell, and it will appear at the appropriate places how indebted I am to this invaluable work.

too often (though not always: witness the pure life of Frederick III of Germany and of his father-in-law, the prince consort of England) followed by Protestant princes—of satisfying his lusts with other women. Under the quickening influence of Protestantism he became conscience-stricken to the extent of perceiving the moral baseness of his life, but not to the extent of abandoning it and clinging only to his wife. The question occurred to him whether it might not be allowed under special circumstances to follow the Old Testament examples and take another wife. As early as 1526 he submitted to Luther—without reference to himself—the question of a possible bigamous marriage. At this time the relation of the Old to the New Testament law was not clear, and from the bitter opposition of the High Church Anglicans to the Deceased Wife's Sister Bill (but cf. Deut. 25:5-10) which was finally passed in 1907, that relation is not clear yet. Luther's answer is found in the archives in Cassel, and this, with the later documents in the case, was for the first time accurately printed in 1852 by the late Professor Heinrich Heppe of Marburg.¹ This earliest paper in this celebrated case is important enough to be laid before the reader, for with all his faults it is safer as well as fairer to judge Luther by Luther than by Fathers Janssen and Denifle. The first part of the manuscript is torn off. Luther says:

. . . . As to the other matter it is my faithful warning and counsel that Christians should not take more than one wife, not only because it is scandalous, and no Christian causes scandal but most diligently avoids it, but also because there is no word of God for it that it is pleasing to him by Christians. Heathen and Turks may do what they please. The ancient Fathers had several wives, but they were driven to this by necessity. And accordingly kings received as by inheritance the wives of their friends according to the law of Moses. But it is not sufficient for a Christian to be satisfied with the work of the Fathers (Patriarchs). He must have a divine word for himself, that makes it certain for him, just as they had. For where there was no necessity or cause, the ancient Fathers did not have more than one wife, as Isaac, Joseph, Moses, and many others. Therefore I cannot advise it (taking more than one wife), but strongly advise against it, especially to Christians, unless it might be a case of high necessity, such as that the wife was leprous or similarly afflicted. Other cases however I know not how to defend. I have with difficulty answered

¹ "Urkundliche Beiträge zur Gesch. d. Doppelhe d. Landgrafen Philipp v. Hessen," *Zeitschrift f. hist. Theologie*, XXII (1852), 263 ff.

such questions to Your Grace. God's peace be with you, Amen. At Wittenberg, Wednesday after St. Catherine's Day, 1526.

Your Princely Grace's obedient

MARTIN LUTHER

It appears then that in 1526 Luther took what might be called middle ground as to a bigamous marriage: (1) as a rule no Christian can venture it, the Old Testament examples in themselves not being sufficient; (2) a special divine permission must be assumed; (3) but in case of necessity it is not absolutely excluded.

Philip still kept the matter in his mind. The only person who was troubled much about his impure life was himself, not at all his brother Catholic princes, and least of all his spiritual princely contemporaries, like the archbishop of Mainz, who were in no position to throw stones. His sins burned into his soul. Passages like Eph. 5:5 and Heb. 12:16 struck him like a flaming sword. For years he kept away from the sacrament. Still he was convinced he could not live chastely with his present wife. So ever and anon the possibility of a second wife occurred to him as a way out. This seemed all the less impossible as both Melanchthon and Luther in 1531 gave to the Englishman Robert Barnes, who was staying that summer in Wittenberg, their written statement that rather than see Henry VIII put away his wife Catherine, whose marriage they looked upon as valid, they would see him take another wife. For the sake of bodily issue and lawful succession Melanchthon thought such a thing would be allowed for the good of England, as polygamy was not absolutely forbidden by divine law; while Luther's impression of the validity of Henry's marriage to Catherine was so strong that rather than permit divorce, "I would allow the king to take another queen, according to the examples of the ancient patriarchs and kings who had two wives at the same time."¹ Philip's court preacher Melander, a stormy, eloquent, ready-witted man of none too strict life, confirmed his prince in his views. He told him that the idea that a second marriage by which scandal was

¹ For Luther see De Wette, *Briefe Luthers*, IV, 295, and for Melanchthon see *Corpus Reform.*, II, 520, especially 527. The latter enters fully into the matter and gives instances of allowed polygamy in Christian times. Kolde in *Zeitschrift f. Kirchengeschichte*, XIII, 576, thinks that his letter, of which a copy was probably sent to the Hessian Court, confirmed Philip.

to be avoided was forbidden to Christians rests upon a misunderstanding of the Bible, just as does the prohibition of the marriage of ministers, of the eating of flesh, etc., which were previously looked upon as detestable as this. Philip of course was sure of the permissibility of bigamy, but inasmuch as the latter was a capital crime in the lawbooks of his suzerain, the emperor Charles V, he wanted to make all things safe by getting the consent both of the Wittenberg reformers and through them of the electoral prince of Saxony, John Frederick. The consent of the former would, he thought, maintain his credit before the evangelical world, and that of the latter would save him from being pounced upon by the emperor. Besides, the mother of the girl (Margaret von der Saal) whom he wished to marry demanded conditions something similar, as she wished to safeguard her daughter from dishonor.¹ To precipitate matters, an illness in 1539 brought on in part by his dissolute life filled Philip with foreboding. Had he a right to punish transgressors when he himself was one of the chief sinners? Suppose he should die in this sickness or be stabbed in battle, where would he go? To hell. The sooner this kind of life was stopped the better. So Philip led on by this strange mixture of motives—conscience, religion, lust—sent the preacher and theologian of Strassburg, Bucer, who afterward helped Cranmer prepare the English Articles and Prayer Book, to Wittenberg with a formal letter asking the consent of the Reformers there to his entering into another marriage, to which his wife—with whom he had cohabited in spite of her drunkenness and other unpleasantnesses of which he complained, and by whom he had seven children already—gave her written consent.

This letter of instruction which Bucer carried was from Philip's side a strong plea, and was well calculated to make an impression on men who had already used some of the same arguments, and who had left the permissibility of bigamy under extraordinary circumstances an open question.

I have never had [said Philip] any inclination toward my wife, and violated my marriage vows three weeks after I was married. But my complexion is

¹ For the conditions asked by Frau Anna see Rockwell, pp. 22-23 and *Beilage* on pp. 316-17.

such that it is impossible for me to live without a wife. So I have lived in adultery, which burdens my conscience, exposes me to hell, and prevents me from punishing similar vices in my own land, for everybody says to me: "Master, first punish yourself." So I desire the means allowed by God to be used to remedy this condition. God allowed the Fathers in the Old Testament times—Abraham, Jacob, David, etc.—who believed in the same Christ as we, to have more than one wife. Nor was this forbidden by Christ or the apostles in the New Testament. In the Acts of the Apostles this prohibition is not found, and Paul expressly confines only bishops and ministers to one wife. Later in the East it was also permitted at times to have more than one wife. For instance, the Emperor Valentinian I, praised by Ambrose and others, had two wives, and put forth a law allowing the same privilege to others. The pope also once permitted a certain count who visited the Holy Sepulchre to marry again on hearing that his wife was dead, and when he returned and found her alive the pope permitted him to keep both. Remember also the counsel which Luther and Philip gave Henry VIII of England to the effect that he should not send away his present wife, but rather—if the necessity of the Kingdom required male heir—take another. I wish to have a second wife, because God forbids adultery and permitted polygamy, and as a remedy against my unchaste living; while the emperor and the world do not permit a second wife but do permit adultery. Then let Luther, Melancthon, and Bucer give public testimony in print and preaching in his favor (which both Philip and the mother of Margaret von der Saal desired), but if they think that would prejudice the gospel then let them give him a written testimony—in case he married secretly—that it was a real marriage and not against God, and in the meantime think of some way by which it could be made public later. But if they decline, though he knows that he has a perfect right on his side before God, he will on account of the fear of man seek the consent of the emperor, who certainly will not give his consent, without the pope's permission.¹

We cannot blame Catholics for making the most of the sins of the Reformation men. It is a small compensation for their great loss in the sixteenth century. And so they are not at all backward in characterizing Philip in no complimentary terms. Denifle calls him "this dissolute tyrant" (I, 116), and scorns the title Magnanimous which was conferred upon him. But it is right to be fair to even Philip. He was indeed licentious, and this element in his blood worked as one motive in these bigamy proceedings. But he

¹ The Instruction of the landgrave to Bucer for Wittenberg is found (a late copy) in *Corpus Ref.*, III, 851 ff. and in Bossuet, I, 200-4. Köstlin, *Martin Luther*, 5 Aufl. von Kawerau, Berl. 1903, II, 475-76, gives an abstract, and Rockwell gives quotations from the original copy in German in the Marburg archives, pp. 2-3, 5-6.

came honestly by his predisposition to these sins. His good Catholic father, the Landgrave Wilhelm der Mittlere, is called by the *Zimmer Chronicle* an "unclean satyr," and his vice gave him the "French disease" (syphilis), which brought him down into melancholia and insanity.¹ But outside of this taint in the blood, Philip's later affliction for a time with the same disease must not lead us to be unjust to him. The disease was fearfully common, first spread in the last years of the fifteenth century by the mercenary troops of Charles VII of France and of the Emperor Maximilian I, who brought it from France and Italy into Germany. An imperial edict of the Reichstag of Worms in 1495 speaks of it as that "new and most fearful disease of men arisen in our days called commonly the French evil, unheard of in the memory of man."² Its horrible virus—thanks to the moral degeneration at the close of the Middle Ages—went into the blood of the noble German race, and the results of that infection abide to this day. Not poor Philip alone, but "popes, kings, princes, nobles, merchants, clergy of all kinds," as the contemporary Italian Franciscus Muraltus bears testimony, "in fact all who indulged in licentiousness" became infected. Rockwell mentions some of the high prelates of Germany who suffered—were they also "dissolute tyrants"?—and the Theiner brothers in their great history of clerical celibacy, which still remains invaluable for its vast learning, even after Lea's indispensable book on the same subject, lets in some further light upon the dissipation of bishops and others and of their consequent experience with the "French disorder."³ No; Philip was not a sinner above others. His temptations and opportunities were greater, but there had been many others equally guilty in Catholic Jerusalem. The only differences between him and his Catholic contemporaries and predecessors was that he was troubled over his adultery—I fear it was the penitence of attrition, not contrition—and was bent on a remedy, while they were at ease.

¹ Rockwell, 4, n. 1.

² *Ibid.*, 3, n. 5.

³ The late Professor Nippold of Jena put out a new edition of Theiner's *Die Einführung der erzwungenen Ehelosigkeit bei der christlichen Geistlichkeit u. ihre Folgen*, 3 vols., Barmen, 1892-94. See especially III, 145-48. He added valuable notes to the already full apparatus of the authors.

Nor must we suppose that Philip's recourse to the Wittenberg theologians argued any doubt as to the rightfulness of his intention to take another wife, an intention which he had formed beyond recall before he had sent Bucer with his instructions. (He had already bought the wine for the wedding feast.) He wanted Wittenberg's and the elector's consent not to satisfy his own conscience, but to reassure Frau Anna von der Saal and to keep his relations as unstrained as possible with both Catholic and Protestant rulers. It was for its moral effect on others that he desired to involve the heads of the Reformation in his daring New Departure. As for himself the Scripture was sufficient, helped out by what he and all others believed to be actual historical precedents in Christian history.

Unfortunately he found the soil too ready for his planting. In his letter of 1526 Luther had left a loophole in case of grave necessity, and Melanchthon had deliberately suggested this way out to Henry VIII. Neither had divined the deep significance of Matt. 19:3-12, especially vss. 5 and 6, nor could they—men born in the Middle Age with its Augustinian taint corrupting its doctrine of marriage. Marriage as a spiritual union of souls—that was an idea foreign to the age. Marriage as a remedy for unlawful concupiscence and as a means of the propagation of the race—that was the thought they inherited. With the breaking up of the old forms in the sixteenth century, with the appeal from tradition and custom to Scripture by men untrained in its use, with this faring on unknown seas, it is, looking at it from some points of view, a wonder that the Reformers kept as near as they did to divine fact and Christian reality, and a wonder that their famous Beichtrat or Confessional Counsel of December 10, 1539, which Catholics have mined so industriously, was not an even greater offense to the trained Christian conscience of modern times.

I do not know that this letter of Wittenberg to Philip in answer to his appeal through Bucer has ever been translated into English. Scraps of it have been spread abroad by Catholic controversialists, with various misrepresentations. But it is a document which must be judged in its entirety, if at all. It was first accurately printed from a copy in Melanchthon's handwriting in the Cassel archives by the

late Professor Heinrich Heppe.¹ I modestly venture to submit a translation of this sixteenth-century German, from Heppe's copy. But it is necessary to read this document to understand Luther's attitude in this celebrated case.

To the illustrious high-born prince and lord Philip, landgrave of Hesse, and grave of Catzen Einbogen, Zigenhain, Dietz and Nida, etc., and gracious lord.

God's grace to you through our Lord Jesus Christ, illustrious high-born prince and lord. As Your Princely Grace has indicated to us through Dr. Bucer certain longtime burden of your conscience, and thereby shown consideration by sending a writing or instruction which Your Princely Grace gave to him, which is hard for us to answer so hurriedly, yet we do not wish Dr. Bucer to return without an answer.

And first we rejoice and thank God that he has again recovered Your Princely Grace from sickness, and hope he will keep and strengthen Your Princely Grace in body and soul. For as Your Princely Grace sees that the poor Church of Christ is small and forsaken and truly needs pious lords and rulers, so we do not doubt that God will keep such from falling under all kinds of attack.

And concerning the question of which Dr. Bucer has spoken to us this is our thought.

Your Princely Grace knows that there is a great difference between making a common law and in some one case for weighty grounds and according to divine permission using a dispensation, for against God no dispensation is valid. Now we cannot advise that any should make a public introduction, that is, a law, that it is allowable to marry more than one wife. [This sentence is lacking in the Berger-Arcularius print, 1679.]

Should one deal unfairly in this matter, Your Princely Grace could perceive that such would take this for a common law, from which great scandal and trouble would result. Therefore this must not be; we pray Your Princely Grace to think how fearful it would be if such a law were brought into the German nation, from which endless trouble would come to all the married.

But when it is said that what is right before God shall be permitted, this may be true in a measure.

So if God has commanded a thing, or if it is necessary, it is true. But if it is not commanded and not necessary, one should understand and think of it otherwise than of this question. God has instituted marriage as a society between two persons alone, and not more, so nature does not become destroyed. [This sentence omitted by Arcularius.] So we have the passage, These two shall become one flesh, and thus it was at first. But Lamech introduced the example of having more than one wife, which is spoken of concerning him in the Scriptures as bringing in something against the first rule. Accordingly it

¹ In the *Zeitschrift f. d. hist. Theol.*, 1852, 266 ff.

became a custom with the unbelieving, until Abraham and his descendants took more wives; and so it came to be allowed in the law of Moses, Deut. 2 [really 21:15], If a man have two wives. For God allowed something to weak nature.

But inasmuch as at the beginning and conformably to the creation, a man was not to have more than one wife, so such a law is praiseworthy and therefore to be received in the Church; and no other law is to be made against it. For Christ repeats this passage, They two shall be one flesh, Matt. 19, and reminds us of how it was before the time of human weakness.

But that in a certain case a dispensation might be given, as for instance in the case of a captive in a strange land, who has become free and brings his wife with him, or in the case of some chronic disorder such as was thought of for a time with lepers—that in such cases, with the advice of their pastor, a man might take a wife again, not to bring in a law but as counsel for his necessity, this we do not condemn. Because it is one thing to bring in a law and another to use a dispensation, this we humbly beg you to observe.

First, caution is to be used in every way that this affair is not brought into the world publicly as a law which others might follow. Second, though it is no law but a dispensation, yet Your Princely Grace must think of the scandal, namely that the enemies of the Gospel will cry out that we are like the Anabaptists who take many wives. They will also say that the Evangelicals seek freedom to have as many wives as they wish, just like the Turks. Third, what a prince does becomes noised abroad much more than what happens in the case of a private person. Fourth, when private persons hear of such an example they will permit the same thing to themselves, so one sees how easily such a thing spreads. Fifth, Your Princely Grace has a wild nobility, of whom many as in all lands on account of the great enjoyment they have from the Cathedral foundations, are passionately opposed to the Gospel. So we know that from these great young lords very unfriendly speeches will be heard. How then such lords and estates will show themselves against Your Grace in this affair, in case it is a public matter, is easily to be thought. Sixth, by God's grace Your Princely Grace has a praiseworthy name even with foreign kings and potentates, and is feared by them, of which reputation this would make a lessening.

Because then, so much scandal would be sowed, we humbly pray Your Princely Grace to think diligently and well over this matter.

It is also true that we in every way pray and admonish Your Princely Grace to avoid whoredom and adultery. We have had in truth for a long time great concern on this account, for we know that Your Princely Grace has been laden with such displeasure that punishment from God, sickness and other dangers, must follow.

And we pray Your Grace not to hold such sins outside of marriage small as such (sins) the world holds as empty wind and despises (that is, thinks little of. The German is, *wie solches die welt in windt schlecht und verachtet*; the Latin, *sicut mundus haec ventis tradere et parvi pendere solet*). God has

often fearfully punished unchastity. For one of the causes of the Flood was the adultery of the rulers, etc. And the punishment of David is an earnest example, and Paul speaks often that God will not be mocked, that adulterers will not enter into the Kingdom of Heaven, etc. For obedience must follow faith, so that one acts not against his conscience, nor against God's commandment, I Tim. 1; I John 3. So that we do not fall under the condemnation of conscience we must call upon God, and, Rom. 8, kill the fleshly lusts by the Spirit; so we shall live; but if we walk according to the flesh, if we go on against conscience, we shall die. And let us remember that God will not treat such sins as jokes, as many people become shameless and have such heathenish thoughts.

And we are gladly apprised that Your Princely Grace laments earnestly on this account, and for such sins is in pain and penitence.

There lie upon Your Princely Grace such difficult matters, which concern the whole world, and Your Grace is of a subtle and not strong constitution and sleeps but little, that Your Grace must have fairer regard for his body than many others. And it was permitted to the noble prince Sanderbeck, who did many great deeds against both the Turkish emperors, against Amurath and Mahomet and Greece, and who lived so long protected and respected. It is said of him that he specially admonished his army to chastity, said that nothing would take away courage from brave men as unchastity.

And as Your Princely Grace already has a wife, if you do not earnestly withstand bad custom and inclination, nothing will help Your Princely Grace. In his actual life a man must hold his members in bridle, as Paul says, and make his members weapons of righteousness.

Therefore Your Grace must take into consideration all these things, the scandal, the other cares and work, the weakness of the body, and also the truth that God has already given to Your Grace fine heirs and girls with this wife; and have her for good, as many others in their married state have to exercise patience, to ward off scandal. For that we incite Your Princely Grace to a burdensome introduction is not our meaning, for the estates and others would attack us on that account. Therefore it is certain to us that we have the commandment from the Word of God to direct marriage and all human things upon the first and divine institution, and as far as possible to hold it (or them) there, and to ward off all offense. [This sentence was added according to Heppe by Luther, according to Lenz by Bucer.]

So it is customary in the world to lay gladly all blame upon the preachers, if any trouble comes. Human hearts of high and low are fickle, and there is much to be feared.

However as they write that it is not possible for Your Grace not to allow that unchaste life, we would much rather that Your Princely Grace were in better condition before God, and lived with a good conscience before God for Your Princely Grace's salvation, and the good of land and people.

As now Your Princely Grace has finally concluded to have another wife, so

we think that such is to be held secret, as is said above of a dispensation; namely that Your Princely Grace and the same person with certain trustworthy persons who know Your Princely Grace's feelings and conscience, should know in confession [that is, under the seal of confession].

So there would follow no special talk or scandal, for it is common for princes to have concubines. And as not every one would know what the occasion was, reasonable people (who did know) would remind themselves and have more pleasure in such modest behaviour than in adultery and other wild unchaste living.

Also not all talk is to be noticed if the conscience is right. So far we hold this for right that what was permitted concerning marriage in the law of Moses is not forbidden by the Gospel, which does not change the regiment in external life [that is, does not change outer relations], but brings eternal righteousness and eternal life, and captures in a right obedience toward God, and desires to make right again the corrupted nature.

So Your Princely Grace has not only our witness (Zeugnis) in case of necessity, but also our special admonition. We pray Your Grace will live as a praiseworthy Christian prince, and pray God will lead and guide Your Grace to his praise and to Your Princely Grace's salvation.

That also Your Princely Grace would let this matter go to the Emperor, we observe that the Emperor holds adultery as a small sin. He has the papal, cardinal, Polish, Spanish, and Saracenic faith. Your Grace should not seek such, and stay back from helping him with words, as we take it that he is an untrue false man, and has forgotten the German way. So Your Grace sees that he acts earnestly from no Christian necessity, lets the Turks go unattacked, practices alone sedition in the German land, makes the Burgundian (land) too exalted, on which account it is to be wished that pious German princes would have nothing to do with his unfaithful practices. God preserve Your Princely Grace always, whom we are willing to serve.

Dated at Wittenberg, Wednesday after St. Nicholas, 1539.

Your Grace's willing and humble servants

MARTIN LUTHER PHILIPPUS MELANCHTHON

MARTINUS BUCER ANTONIUS CORVINUS sst.

ADAM F (of Fulda) sst.

JOANNES LANYNGRES sub sst JUSTUS WINTHER¹ sst.

DIONYSIUS MELANDER sst.

Well, that is the much-talked-of document seized by the anti-Luther writers. What are its principles? (1) Monogamy is the divine law, laid down at the creation and reaffirmed by Christ. No other law can be admitted. (2) Exceptions were allowed in the

¹ We now know that this letter, or the first draft of it, was composed by Justus Winther, the Hessian court schoolmaster, on whom see Rockwell, pp. 27-28.

Old Testament, so that bigamy is not itself a sin. (3) In case of necessity, exceptions might be allowed, by way of dispensation. (4) But such a case must be secret to prevent injury to the law and to prevent public scandal. (5) There are very grave reasons why you, Philip, should not consider that you are one of these exceptional cases. (6) Adultery is a fearful sin, and you should remain faithful to your wife. (7) All things must be ordered according to the word of God. (8) But if you are determined to take another wife, then let it be done in secret. (9) For both moral and patriotic reasons do not have recourse to the emperor for a dispensation.

It is easy from our higher vantage ground to fling hard words at the Reformers for this reluctant quasi-consent—if it could be so called—to the bigamous marriage of the landgrave, yes, easy but cheap. It would be better and juster for us to go back to 1539, stay a little time with men born in the Middle Ages, and try to understand the forces which lay back of that ill-fated Beichtrat; and this not to defend or even excuse them, but historically to judge them.

1. They considered marriage too much under the aspect of law, too little under that of spiritual union. What God's law allowed once, and what had not been formally revoked, might possibly be allowed again. By a profoundly spiritual reinterpretation, Luther had in theology worked himself free from the meshes of legalism—in part, at least, but in various matters, like marriage, etc., not yet. That legal conception explains the Beichtrat. Besides, Luther (like Erasmus, Zwingli, and Cajetan) understood I Tim. 3:2 as forbidding polygamy, not deuterogamy.

2. The sway of the Old Testament in the Middle Ages, which went over into the sixteenth century. The relation of the Old dispensation to the New was not yet clear. Catholic theology placed the Old and New revelation and the piety of the Old and New Testament saints on one line. As Rade well says: "In the papacy it was and is customary to make no difference between the Old and New Testament, between the imperfect and the perfect revelation. In the papacy Abraham became a Saint, and behind him and a crowd of others, Christ, the only Holy One, disappeared." The men of the sixteenth century were still more or less under the domination of that thought. Though there are many expressions

in Luther that show that much in the Old Testament had ceased to be binding on Christians, yet the regnant influence of that Testament was a fact of importance in his time. That influence lies back of the Ratschlag of December, 1539. "In short," to quote Rade again, "if the Reformers erred in the Beichtrat to Philip in the use of the Old Testament, the cause was that they were not in this matter entirely free from the Roman church."¹

Luther did not [says the late Professor Zöckler] sail luckily around the many rocks and shocks which the moral life of the patriarchs offer. He idealized too much those primitive bearers of the pure knowledge of God and piety; in the consideration of their history he fell involuntarily into the same tone of uncritical praise, which he sharply enough blamed as a controversialist against the Roman cultus of the saints. This was not simply the product of a Judaizing strong theory of inspiration, but evidently also the after-effect of what he once as a reader of the legends of the saints and admirer of monkish ideals had been accustomed for many years to think and to judge, when he celebrates the Hebrew patriarchs generally as "most holy" men, as "perfect not only in faith but also in hope and love," and accordingly exaggerates both their sufferings and their virtues, and tries artificially to unburden them of their transgressions and to forcibly bring them into harmony with his canon, 'the patriarchs were simply saints'. . . . On the other hand there were welcome proofs of more unprejudiced judgment!²

It was hard for Luther to get out from under the elongated shadow cast across the ages by the mighty figure of the "Father of the Faithful." "Abraham was a true Christian," he said, "and full of the spirit." "Abraham is an evangelical man, who goes forth in pure faith, and all his life stands in God's word." He is the "head of all the saints."³ What God allowed to him as a permanent privilege could not be wrong under all circumstances.

3. Historical precedents: Valentinian, the Count of Gleichen, etc. Modern criticism has destroyed these, but the Reformers took them in good faith. The case of Charles the Great was also referred to.

4. The idea of dispensation for cause from a law, an idea which played a large rôle in the Middle Ages and was inherited by the

¹ *Doctor Martin Luthers Leben, Thaten und Meinungen*, new ed., Tübingen u. Leipzig, 1901, III, 336.

² *Evangel. Kirchenzeitung*, CXIV (1884), No. 9, quoted by Rockwell, p. 250, note.

³ Weimar ed. of Luther's *Works*, XIV, 252; XXIV, 271; *Opp. Ex.* 3:276; Rockwell, p. 249, n. 2.

sixteenth century. Even marriage was thought of as under this privilege. It was believed that Gregory the Great permitted a double marriage to an Anglo-Saxon.¹ No one in the sixteenth century doubted the story that Pope Gregory IX had in 1240 or 1241 given a dispensation to the Count of Gleichen to live with his new wife obtained in the Crusades as well as with his old one whom he found on his return. "It is a well-known fact," says von Döllinger, "that the very bed itself (an unusually broad one) of the count and his two wives was shown for a long time afterward."² Of course the Gleichen story is a fiction, but I believe the first one to doubt it was Zeidler in his book on bigamy, 1690.³ The inference was natural that what the pope had granted on occasion might be allowed for cause in an exceptional case by pastor or theologian.

5. The feeling that a second wife was not absolutely excluded by Scripture and history was not confined to the writers of the Wittenberg Beichtrat. So eminent a Catholic as Cardinal Cajetan (d. 1534) said that a plurality of wives was not excluded by divine law, and that in the ancient Christian church many had two wives, according to the example of the Old Testament Fathers.⁴ He, no more than Luther, would have introduced bigamy, but he held it not excluded by Scripture. He was probably the "great divine" who, as Henry VIII's ambassador in Rome, Dr. William Bennet, told his king, advised the pope that he might to avoid greater trouble, grant a dispensation to Henry to marry a second wife.⁵ If the suggestion of the great Catholic divine had been followed, an interesting situation would have developed which might later have diverted some of the Catholic lightning from Luther's head.

In fact His Holiness, Pope Clement VII, seemed to be never quite clear in his mind whether he could not grant such a dispensation to Henry, and thus cut the Gordian knot in the way suggested by Melanchthon. Ambassador William Knight wrote to

¹ *Corpus Ref.*, II, 526.

² *Fables of the Middle Ages*, tr. Plummer, New York, 1872, p. 60.

³ See the long note of Rockwell, pp. 210-12.

⁴ *Comm. on I Tim.* 3:2; see Rockwell, pp. 305-8 and notes, and Köstlin, *Luther u. J. Janssen*, 3. Aufl., Halle, 1883, 53.

⁵ Pocock, *Records of the Reformation: The Divorce 1527-33*, Oxford, 1870, I, 459.

Henry: "If the dispensation may be obtained the marriage standing firm [*constante matrimonio*], of which I doubt, I shall soon obtain it; if only with the marriage being dissolved, less diligence will be required."¹ Casale tells us that the pope laid before him as English agent a plan proposed under the seal of confession (a Beichtrat, as the famous Wittenberg Ratschlag), the chief penitentiary Pucci and the auditor Simonetta being also privy to it, to the effect that if the king was convinced of the absolute illegality of his marriage with Catherine (as Philip was absolutely convinced of the rightfulness of his marriage with Margaret), he should bring the matter before the court of his devoted Cardinal Wolsey, and that without inviting Catherine (though Philip got the written consent of Christina) or sending to Rome (though Philip sent to Wittenberg) he should contract a new marriage and then immediately seek confirmation from the pope.² The plan went on to state that if Catherine or her friends should get wind of it they could frustrate it by an appeal to the Curia; then while a canonical process was going forward over the legitimacy of a marriage the parties concerned could enter into no new one. But if in the meantime Henry had already married Anne Boleyn, the pope could if worse came to worst legitimize her issue—in case there were any—because the marriage had been entered into in good faith. As Rockwell well says (p. 295), this plan went upon the full legal right of the bigamy as thus perpetuated, without at the same time directly compromising the pope as openly favoring bigamy. It is no wonder that Catholic writers have sought to prove their brother Casale a liar in his account of this Beichtrat, but on insufficient or mistaken assumptions. Rockwell, whose impartiality of view and treatment is as noteworthy as his exhaustiveness of investigation, has shown, it seems to me, the vanity of their efforts. Besides it entirely falls in with the general spirit of Clement's doings and not-doings in the Henry VIII case. I think our Catholic friends might fairly cease their objurgations on Luther long enough at least to contemplate this pretty plan outlined in a less famous Beichtrat.

¹ Brewer, *Letters and Papers of the Reign of Henry VIII*, IV, No. 3422 (September 13, 1527), quoted by Rockwell, pp. 294, n. 2.

² Burnet, *History of the Reformation of the Church of England*, Oxford, 1865, IV, 41 ff.; Rockwell, pp. 294-95, and notes.

The next proposal of the pope and his advisers was to immure Catherine in a nunnery—for what purpose exactly it is impossible to say, because canon law recognizes the entrance of the wife into a cloister as separating from the bed, not from the bond, of marriage. Perhaps the thought was that in that case the pope for weighty reasons of state would grant a dispensation for a second marriage, or, if not that, that Henry would take another wife on his own hook, and after this had been done, a legitimization of the union—at least after Catherine's death—could be secured. Or perhaps the motive was, anything for delay.

The next proposals, which show how far from decisive was Clement's rejection of bigamy, were those of Ambassadors Bryan and Vannes in Rome in December, 1528 (let the reader remember that everybody in these Henry-Clement transactions was a good Catholic). In case the pope would not annul the dispensation given to Henry in 1503 to marry his brother's widow, then the following propositions are to be admitted in this order: (1) The queen shall enter into the so-called *religio laxa* (go into a cloister without becoming a full nun), and the pope out of the fulness of his power shall permit a second marriage to the king. (2) The king will also take the vows of the cloister from which the pope will immediately release him, and allow him to proceed to second vows (the vows of a second marriage) with legitimization of the offspring. (3) In case these plans, for which the consent of the queen was necessary, proved impracticable, then the ambassadors should ask whether the king could not have two wives at the same time and all the children be legitimate.¹

Events were driving Rome and England farther apart, to prevent which even bigamy appeared to the pope a not unwelcome remedy.

Sire, [wrote ambassador Bennet to Henry, October 27, 1530] shortly after my coming hither [Bennet arrived in Rome, June 1529], the pope moved unto me of a dispensation for two wives, which he spake at the same time so doubtfully that I suspected that he spake it for one of two purposes. The one was that I should have set it forward to your Highness, to the intent that if your Highness should have accepted it, thereby he shall have gotten a mean to bring your Highness to grant that if he might dispense in this case, which is no less a case than your case is, consequently he might dispense in your Highness' case.

¹ Brewer, No. 4, 977 f.; see Rockwell, pp. 299-300.

The other was that I conjectured that it should be a thing proposed to entertain your Highness in some hope, whereby he might defer your case, to the intent that Your Grace should trust upon the same. Then I asked His Holiness whether he was fully resolved that he might dispense in the same case, then His Holiness showed me, No; but said that a great divine showed him that he thought for avoiding a greater inconvenience His Holiness might dispense in the same case; howbeit, he said he would counsel farther upon it with his council. And now of late the pope showed me that his council showed him plainly that he could not do it.¹

How interesting! The pope himself opens up the question of a second wife to Henry's ambassador as a way out, says it was suggested to him by an eminent divine, is not sure whether he should not adopt it, and refers it to his council, who negative it! Suppose the council had also favored it! What a mine would have been closed to the Luther detractors!

But there is still further evidence. In March, 1530, Clement said to the Bishop of Tarbes (Gabriel de Grammont) that he would be happy if a second marriage (bigamy) were already consummated, provided it was done without his authority and without being a limitation on his power to dispense from or to limit a divine law.² In the same sense he spoke to Ghinucci, bishop of Worcester, viz., that it would be much less scandalous to permit the king to have two wives than to allow what the ambassadors wanted. This solution however did not please Ghinucci who naturally preferred the method of his master—the annulment of his marriage with Catherine. This the pope could not accept, but still suggested bigamy; only he was afraid that the emperor would not give his consent out of regard for his aunt.³ About the same time (September 18, 1530) Casale wrote to the king that the pope had secretly proposed to him that the king might have two wives, though he (Casale) was not greatly taken with this idea, as he feared the hand of the emperor was behind it.⁴ Shortly after, as we have already seen, the pope presented the way of bigamy to the council as a suggested relief for the English tangle, but the cardinals definitely closed that path.

¹ Pocock, *Records of the Reformation*, I, 458-59.

² See Rockwell, p. 302 and n. 2.

³ Pocock, II, 9; Rockwell, pp. 302-3.

⁴ Pocock, I, 428.

No Protestant would think of screening Luther from Catholic wrath in the Philip matter by hiding him behind the pontifical robes of Clement VII. But it is only as we take account of such facts as this, that the possibility of a second marriage in a case of supposed necessity had occurred to others besides a few Protestant divines, that we can rightly view the historical situation of Luther, and rightly judge his famous *Beichtrat*. Rockwell, who has gone into this matter so fairly and so thoroughly, well says (p. 304) that we are all the less inclined to lay at the door of the head of the whole church the personal charge that in a question (as considered today) of elementary Christian morals he showed such uncertainty, inasmuch as in his surroundings a like hesitation seemed to rule. When shall we get a like fairness of judgment from Catholics toward Luther?

I have spoken of how current in the sixteenth century was the idea of dispensation from law, which idea came out in the *Beichtrat*. It was held by Catholic canonists of repute that the pope could dispense from even divine law. The advocates of Henry VIII denied this right to the pope before the court of the legates Campeggi and Wolsey, but the wily prelates would not answer decisively one way or the other, but said that they must refer the matter to the pope himself, who was the only proper judge of his own powers, and that "it was odds but he would judge favorably for himself."¹ In a letter to Henry on October 7, 1529, this pope reserved his right to dispense from divine law, though a true cause or reason cannot be dispensed from.² Some distinguished between natural divine law and positive divine law, and as it was considered that polygamy was not against the former, it could be dispensed. I cannot go into this matter further, but refer to the full citations and references of Rockwell (pp. 284-88; cf. pp. 290-91). There were numerous instances of actual dispensations granted by the pope for a second marriage by making void the former on account of relationship, either blood or legal, but these of course cannot be interpreted as intentional dispensations for bigamy, however much in effect they amounted to it. I wish we knew the whole truth in the case of Henry IV of Castile, called "the Impotent," of whom Pollard says

¹ Pocock; Burnet, I, 135.

² Rockwell, p. 284, note.

outright: "In 1521 Charles V's Spanish council drew up a memorial in the subject of his marriage in which they pointed out that his ancestor [Rockwell well places a (!) after the word ancestor] Henry IV of Castile had in 1437 married Doña Blanca, by whom he had no children; and that the pope therefore granted him a dispensation to marry a second wife on condition that if within a fixed time he had no issue by her he should return to his first."¹

6. The idea of secret confessional counsel in case of necessity, an idea inherited in Luther's time, and which determined him in this case. This is foreign to our open methods, but we cannot carry our ideas back and with them judge the men of former ages. In matters of plain morality I believe with Lord Acton that we must apply the ethical yardstick relentlessly, and bring Christians of the tenth century and of the twentieth face to face with the Ten Commandments and the Sermon on the Mount. But there is a large region where questions of right are not so simple, and where atmosphere has to be taken into account. Luther's fundamental mistake was in holding that bigamy was ever allowable under any circumstances under Christianity. But even in the landgrave's case there were two conditions in Luther's mind indispensable: (1) That his conscience was absolutely sure that a second wife was indispensable to keep him from sin. Philip affirmed that this was the case. We blame Luther for taking his word, and for not crying out: "Nonsense, man! Your wife at least is not a leper; you have lived with her and begotten children by her. Your conscience is deceived by your lust." But the Father Confessor cannot go back of the solemn asseveration of the one confessing, but must accommodate himself to the confession, and to the actual case before him. Luther relied implicitly on the honesty of Philip in this declaration of necessity. (2) A dispensation from law when granted under this condition was valid, however, only before the conscience and before God, and not before man. Before the latter the law must be upheld. Therefore there must be no church or public wedding, but only a conscience-marriage before certain trusted and trusty persons: a dispensation of God in the forum of conscience, while before men the regular law remains inviolable. Life-long secrecy

¹ Pollard, *Henry VIII*, London, 1902, p. 148.

is indispensable. When that is violated everything goes back to its usual course, is seen in its conventional light, and the wife becomes a married concubine. It is an evidence of the simplicity and good faith of Luther in this matter that he supposed that the marriage could be kept secret, with the relatives of Margaret jealous for her reputation and proud of her marriage to one of the greatest princes in Europe! Besides, as soon as the conditions of the confessional counsel are broken and the marriage published abroad, the marriage as now understood did not exist for Luther. The indispensable note of a secret help to a troubled conscience valid before God is destroyed, and the whole transaction assumes a different aspect. It is exactly as today: words and actions covered only by the confessional are true only there—outside they simply do not exist. This explains Luther's denials, with which the Catholic world has rung from that day to this, and which to our modern Protestant consciousness is the most scandalous part of the whole history, as far as Luther is concerned. But the "starke Lüge," Luther's attitude to truth-telling, must be reserved for separate treatment.

7. Behind the Beichtrat were two other historical forces which do not play so great a part today—thanks to the Protestant movement—though even now they are sufficiently in evidence in Europe. There was, first, the depreciation of woman. That any slight was done to either Christina or to Margaret seemed never to occur to the parties in this famous history. Today the rights of the woman would be better looked after. This low estimate of woman was a part of mediaeval civilization, and the evolution upward has been slow, God knows. Her cup is bitter enough today in all conscience, even in Protestant lands. There was, second, the high estimation of princes. Would Wittenberg have written the Beichtrat of December 10, 1539 for a peasant? Would Wolsey and Cranmer have helped a blacksmith to some blue-eyed Anne Boleyn of the fields? Do papal bulls serve the schemes of washer-women? That profound deference to the rich, the mighty, and the high which has characterized the church more or less from the apostles (Jas. 2:1-9) until today—that has been a power which helps to explain too many unpleasant events.

Two or three other points remain. It is sometimes said that

Luther and the Reformers gave their "consent" providing that Philip should "represent Margaret as his mistress," which of course only aggravates their fault. They say not a word about his representing Margaret as his mistress or anything else. They simply say that as it is common for princes to have concubines—a good Catholic custom for both prelates and princes for which the Reformers were not responsible—the secret marriage to those who knew it would create no scandal. Margaret and the other ladies of the court would be taken as a matter of course.

It is said that Luther gave the Beichtrat to save Philip to the Reformation, for fear he would appeal to the pope and go back to the Catholics. It is true that in his Instruction the landgrave speaks of a possible appeal to the emperor, but gives various reasons why this course is distasteful to him, and says besides that he will have nothing whatever to do with a papal dispensation (*pontificum dispensationem omnino nihilo faciam*). It is true also that Luther afterward wrote to the elector that he wanted to anticipate any possible seeking for a dispensation from the emperor or the pope,¹ and so the action of the Reformers might not have been without political tinge, as Moeller says.² In fact Hausrath makes the political motive the chief factor. He says:

The desertion of the landgrave from the Schmalkald League was a tremendous danger for the Protestants. Not only the German, but the whole European, situation would have had another aspect if the mighty Protestant commander had stepped over to pope or emperor. . . . If one had asked any politician [*Politiker*] whether he had rather lose the ablest prince of the League or permit him a secondary marriage, every one would have decided as did Luther. The damaging thing lay only in this that Luther was a theologian and not a politician. . . . The demoralizing character of all politics, which often cannot forbear to sacrifice eternal principles to the need of the present, was never more shamefully apparent than in the confessional letter which Bucer wrested from both the Wittenbergers. . . . They wanted to prevent the breach, for Philip was absolutely indispensable to the League.³

Hausrath points to the appeal of the Beichtrat to Philip not to have recourse to the emperor, and says it was this, the rivalry of pope and emperor, it was this *unlauterer Wettbewerb*, this sordid

¹ Lauterbach, *Tagebuch*, ed. Seidemann, 1872, 197.

² *Church History*, Eng. tr., London, 1900, III, 145.

³ *Luther's Leben*, 2 vols., Berlin, 1904, II, 398-402.

competition, which caused the Wittenbergers to slip away from first principles and to hold fast to Philip at any price. This puts a different face on the matter than the Catholic interpretation of the moral and religious deterioration of the Reformers. Good and true men have sometimes been misled to lower the flag of honor through pressing expediency. If Luther did that, it would only show that he was so far unlike his Master and like the rest of us. But, really, when you examine it, the view of Hausrath does not hold water. It rests on no sufficient evidence. There is not a syllable where Luther expresses any fear that a petition of Philip to the emperor means his loss to the League. Luther himself gives the ground of his deprecation of such a petition, viz., that the kaiser has the papal, cardinal-like, Spanish faith, and that no pious prince should turn to him. Besides the whole tone of the confessional letter shows that the matter is a secret counsel to relieve conscience, and recourse to pope or kaiser would mean immediate publicity and the widest exploitation. Then the later threats of the landgrave never moved Luther an inch from his position.¹ Of course the Reformers did not want Philip to appeal to the emperor, but their reasons for this they give in Beichtrat, and there is not the least evidence that Philip had any intention to go back to Rome, or that they thought that he had. If for political reasons Philip had had recourse to the emperor and if for the same reasons the latter had favored him—all of which was a bare possibility—it would not at all have meant that the landgrave was going to throw in his lot with Rome. He never had the least intention of doing so. He always said he would fight for Protestantism in case of an attack from the emperor.² But when the report of the second marriage came out, the emperor made no fuss (instead of proceeding against him as a capital criminal against imperial law), and the other great Catholic sovereign Francis I of France only laughed.³ Philip easily bought the emperor's favor by political concessions. In fact, Protestant rulers were more indignant than Catholic, and the great elector of Saxony was deeply

¹ See on this Walther in *Theologisches Literaturblatt*, 1905, No. 43, 509-10, and Brieger in *Preuss. Jahrbücher*, CXXXV (1909), 35-49, both of whom argue strongly and convincingly against political influence.

² See Rockwell, pp. 99-101.

³ *Ibid.*, pp. 97-98.

chagrined. Later the friends of Margaret had the matter of a dispensation for bigamous marriage—without mentioning any names—agitated among cardinals in Rome to see how the land lay around the pope. All the satisfaction they could get was that the pope (in the assumed case) would give no public dispensation or tolerance, but that he would look through his fingers and let the thing happen.¹ Rockwell says that this turn of the affair would simply mean the “letting the landgrave live on in adultery. In that case his conscience could have found no rest, no absolution, if there had not perhaps been given to him as to Louis XIV a *Père la Chaise*.”

Some have said that the Philip case shows a relaxation of moral energy in the Reformer, due partly to the play of political forces, to the wearing effect of daily annoyances, to physical weakness, etc.² This, of course, is possible, but not probable. Luther had straightforward reasons for signing the counsel which to him were sufficient, and they are expressed there. Nor did Luther appear in 1539-40 as a weakling whose moral fiber and power of resistance had been worn away by many cares. In the summer of 1540 Bucer writes of him thus: “Dr. Luther is certainly a man whom I would not think it advisable to overdrive. It depends on himself—he might be led but not driven. But when anxiety of conscience and danger to divine truth are shown to him, so that he really sees, then he moves on his own account, and no one dare drive him. The Lord has given us the dear man as he is; we must use him rightly if we would enjoy him.”³

Whatever occasional regret on account of the scandal Luther may have felt, he never wavered as to the essential right of his course with Philip. In June, 1540, in a letter to his electoral prince (first printed in 1872) he gives his own philosophy of the matter, and before I close the reader ought to see the important parts of this statement:

Both under the papacy and after I have received many matters in way of confession and have given counsel concerning them. Whether they should be

¹ Rockwell, pp. 100-101.

² Hausrath, II, 400.

³ Lenz, *Briefwechsel Landgraf Phillips des Grossmütigen von Hessen mit Bucer*, Leipzig, 1880, I, 208.

revealed, I must say, No, or the confession also published. Such matters do not belong to a worldly court to make known. God has here his own court and must advise the soul, as no law or act of the world can help. My preceptor in the cloister, a fine old man, had many such matters, and could only sigh: Ah me! Such matters are so erroneous and despairing that no wisdom, law, nor reason can advise. One must leave them to the divine goodness. From such experience I have also acted in this matter according to the divine goodness.

Had I known, however, that the landgrave had for long compensated his exigency on another and could do it, as I only now learn, on her of Esschweg, no angel would have brought me to such Counsel. [What Luther means is not that he did not know of Philip's life, as Philip himself had made full breast of that in his Instruction, but that—as Rockwell well says—if he had known of this Esschweg concubine it would have been she and not Margaret whom he must marry, if any.] I had regard to his unavoidable necessity and weakness, and also the solemn demand of his conscience, which Bucer bore witness to. Much less did I advise that it should come to a public wedding, and that too—on which not a word was said—to a princess and landgravine, which is not to be suffered nor tolerated in the whole empire. But I understood and hoped (because on account of common nature and weakness of the flesh he had to indulge in sins [or believed that he had, which from the standpoint of the spiritual counselor is the same thing]) that he would secretly marry an honest maiden and keep her in a house in secret marriage (though he would be looked upon by the world as unmarried) on account of the grave necessity of his conscience, as the same thing has happened in the case of great lords, just as I advised certain pastors under Duke George and the bishops that they should secretly marry their cooks. [These were Roman Catholic clergy in the territories of his great opponent, Duke George of Saxony, living in immoral relations with their housekeepers. Rather than allow this, Luther would have them secretly marry, as clerical marriage was forbidden not by a law of God and nature, but by secular or ecclesiastical law. And by a well-known principle of canon law, in order to relieve conscience and save a soul, a thing not forbidden in the *forum internum conscientiae* might be permitted, even though against external law. See Rockwell, pp. 138–41.] If such a matter as this of Philip's came before me today, I would advise as I have already advised. I am not ashamed of such a counsel, even if it should come before all the world; only on account of aversion I would rather know it in silence [*ohne das ichs umb unlust willen lieber will verschwiegen wissen*].¹

This is the story of the famous case of the bigamous marriage of Philip of Hesse, so far as it has to do with Luther. The judgment of Protestants has been frank enough. "Philip's double marriage,"

¹ J. K. Seidemann, ed. of *Lauterbachs Tagebuch auf das Jahr 1538*, Dresden, 1872, pp. 196 ff.; see Rockwell, pp. 143 ff.

says Köstlin, "is the greatest stain on the history of the Reformation, and in spite of everything that can be said in explanation and excuse it remains a stain on the life of Luther."¹ Kolde calls it a "severe scandal, to our modern moral feeling, the severest in the whole history of the Reformation, which also throws its shadow on the Reformer."² Von Bezold thinks that the concessions of Philip to the kaiser at Regensburg, with all that was connected with them (bigamous marriage, etc.), the "darkest spot in the history of the German Reformation," and well refers to the connection between Philip's social, and his political, immorality.³ Von Ranke takes a more philosophical view. The princely protagonists of the Reformation were the children of a rough time filled with force and feud, not masters of their own passions, and little competent to carry through the Reformation thoughts, whose last foundation was a religious-moral one, when they themselves did not represent these principles in their own lives. The Philip affair brought this contradiction out clearly. But this does not excuse them, for he adds at the close: "Who can measure the effect which a scandal of this kind, which proceeded from that party which asserted itself to be Christian in a superior degree, had upon the mood of souls in all the world?"⁴ But I think the fairest verdict of all is by Professor Rockwell, who is the most competent of all historians to declare it. In summing up he says that the position of Catholic writers on Luther's attitude in this matter is not only untenable, but that we

cannot assent to even Köstlin's judgment without large limitations. While we cannot declare Luther's attitude ethically right and share his views and motives, yet we are of the opinion that a regard for all the points of view and considerations which had to do with his behavior in this case, while it does not do away with his mistake (*Fehlgriff*), yet places that mistake in historical relations which make Luther's conduct understandable. This result will not only be reached by going back to Luther's attitude to the Scripture, that is, if we do not mistake the fundamental importance for Luther of the pattern of the patriarchs and the absence of any clear prohibition of bigamy in the New Testament. For upon

¹ *Martin Luther, sein Leben*, u.s.w. 5. Aufl., 1903, II, 478.

² *Martin Luther: eine Biographie*, Gotha, 1893, II, 484.

³ *Gesch. der deutschen Reformation*, Berlin, 1890, p. 735.

⁴ *Deutsche Geschichte im Zeitalter der Reformation*, 7. Aufl., Leipzig, 1894, IV, 185-86, 190.

the high worth of this fact rests the subjective certainty of Luther that he made his decision in harmony with the Holy Scriptures, and the constant conviction that he acted rightly. But besides this attitude to the Scripture there was something else which had decisive influence on Luther—the natural law treatment of the marriage—prohibitions which he inherited from the Catholic church, and the traditional casuistry in reference to confession. The full estimate of all these conditions under which Luther judged and acted secures, in my opinion, for his behavior another and more correct appreciation than has hitherto been the case.¹

Similar to the thoroughly intelligent judgment of the expert Rockwell are the just and large-minded words of Brieger:

The mediaeval still stuck in him [says this historian, one of the church history professors in Leipzig], the religious moral principles for which we must thank him he had not yet brought to their full validity. That was Luther's lot. He had two ages in his breast, that which he led forth and that in which he was brought up. He had shattered this last with gigantic power. But it was a superhuman work to clear up perfectly the dust of the ruins of the huge world of the Middle Age, and to sweep out everything which was old and done away. This task—to cleanse evangelical Christianity from the remnants of a vanished epoch—he has left to the children of his spirit. It might seem an easy thing and small in comparison with what he did. But still the solution delays even today. For it has long concealed itself, and only our time is beginning to understand it.²

NOTE.—Since the above was written the immense and learned work of Professor Father Hartmann Grisar, S.J., *Luther*, 3 vols., Freiburg in Baden, 1911-12, has come into my hands. In its mildness and evident striving for fairness it is a long step in advance of the huge *Schmähsschrift* of the late Dominican Father Denifle (on which see an article in this Journal, April, 1905). It gives an elaborate treatment of the bigamous marriage (II, 382-436), in which (although I have read it carefully and with an open mind) I cannot find anything to lead to a change in the above putting of the case. His most important section is his attempt to do away with the explanation of Luther's course by reference to the confession (*Beichte*) ideas of the Middle Ages. Of course Luther's part in the Philip case was not simply an illustration of the influence of those practices and ideas, but that they had an influence appears.

¹ Rockwell, pp. 308-9; cf. the judgment of Sheldon, *Church History*, New York, 1894, III, 104, that in this affair the Reformers made an "enormous mistake, but that they were guilty of moral obliquity is not so clear."

² *Preuss. Jahrbücher*, CXXXV (1909), Heft I, 48-49.